
THE CITY OF ROCHELLE
Ogle County, Illinois

RESOLUTION
NO. _____

**A RESOLUTION AUTHORIZING THE REIMBURSEMENT OF CERTAIN
MONIES TO BRIGHT FARMS, INC., TOWARDS THE PURCHASE OF A
WATER FILTER SYSTEM**

CHET OLSON, Mayor
SUE MESSER, City Clerk

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DON BURKE
KATE SHAW-DICKEY
DAN McDERMOTT
JOHN BEARROWS
City Council

Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle
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WHEREAS, Section 7 of Article VII of the 1970 Constitution of the State of Illinois provides that a municipality that is not a home rule unit shall only have the powers granted to them by law and as such the City of Rochelle (“City”), Ogle County, Illinois being a non-home rule unit pursuant to the provisions of said Section 7 of Article VII, and may exercise only the powers expressly granted by law; and

WHEREAS, the Illinois General Assembly granted non-home rule municipalities broad authority to “pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities.” 65 ILCS 5/1-2-1; and

WHEREAS, pursuant to 65 ILCS 5/11-129-11 of the Illinois Municipal Code, the City may use revenue derived from the operation of the City’s waterworks supply system (“Water Fund”) to pay the cost of operating, maintaining, improving, or extending the existing the water supply system; and

WHEREAS, in relation to operating, maintain, improving, and extending the City’s waterworks supply system, the City desires to reimburse Bright Farms, Inc., (“Bright Farms”), for their purchase and construction of a waterworks supply system (“Water Filter”) that will reduce iron levels prior to the water entry into the City’s waterworks supply system, which is currently at levels not conducive to Bright Farms operations, in an amount not to exceed \$65,000, further described in the attached Exhibit 1; and

WHEREAS, said Water Filter shall be utilized by the City and Bright Farms for the foreseeable future and paid through available funds within the City’s Water Fund; and

WHEREAS, said reimbursement shall be memorialized in a formal agreement (“Development Agreement”) drafted by the City Attorney in conjunction with the City Officials and staff; and

WHEREAS, it has been determined by the Corporate Authorities of the City of Rochelle that it is in the best interest of the City and its residents to authorize the expenditure of certain Water Fund monies to reimburse Bright Farms for the construction said Water Filter; and

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF
ROCHELLE, ILLINOIS:**

SECTION ONE: That the City hereby incorporates all of the recitals above into this Resolution as if fully set forth herein.

SECTION TWO: The Mayor and City Council of the City of Rochelle authorize the City Attorney and Manager and/or his designee to draft said Development Agreement memorializing the reimbursement of an amount not to exceed \$65,000.00 to Bright Farms for their purchase and construction of said Water Filter. Said reimbursement shall be distributed to Bright Farms after the City receives a full and accurate accounting of all costs, payments, and invoices pertaining to the purchase and construction of said Water Filter. Said Agreement shall be presented to the Mayor and City Council prior to its final execution.

SECTION THREE: If any provision of this Resolution or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Resolution is severable.

SECTION FOUR: Where the conditions imposed by any provisions of this Resolution are more restrictive than comparable provisions imposed elsewhere in any other local law, ordinance, resolution, rule or regulation, the regulations of this Resolution will govern.

SECTION FIVE: The City Clerk shall publish this Resolution in pamphlet form in accordance with the provisions of 65 ILCS 5/11-129-1 *et seq.*

SECTION SIX: This Resolution shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED THIS ____ day of _____, 2019.

AYES:

NAYS:

ABSENT:

APPROVED THIS ____ day of _____, 2019.

MAYOR

ATTEST:

CITY CLERK

STATE OF ILLINOIS)
)
COUNTY OF OGLE) SS.

CERTIFICATE

I, _____, City Clerk of the City of Rochelle, County of Ogle and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. _____, “A RESOLUTION AUTHORIZING THE REIMBURSEMENT OF CERTAIN MONIES TO BRIGHT FARMS, INC., TOWARDS THE PURCHASE OF A WATER FILTER SYSTEM,” which was adopted by the Mayor and City Council of the City of Rochelle on _____, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this _____ day of _____, 2019.

CITY CLERK